

FILED UNDER SEAL

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SEALED PLAINTIFF,

v.

SEALED DEFENDANT,

:
:
:
:
:

FILED UNDER SEAL
Civil Action No. 21-cv-4238

UNITED STATES' NOTICE OF ELECTION TO DECLINE INTERVENTION

JACQUELINE C. ROMERO
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FILED UNDER SEAL

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES <i>ex. rel.</i>	:	
RUSS & MURPHY	:	
	:	
Plaintiffs,	:	
	:	
V.	:	CIVIL ACTION NO. 21-CV-4238
	:	
NORTH AMERICAN RESCUE, <i>et al.</i> ,	:	FILED UNDER SEAL
	:	
	:	
Defendants.	:	

ORDER

The United States having declined to intervene in this action pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the Court rules as follows:

IT IS ORDERED that,

1. the complaint be unsealed and served upon the defendant by the relator;
2. all other contents of the Court's file in this action remain under seal and not be made public or served upon the defendant, except for this Order and The Government's Notice of Election to Decline Intervention, which the relator will serve upon the defendant only after service of the complaint;
3. the seal be lifted as to all other matters occurring in this action after the date of this Order;
4. the parties shall serve all pleadings and motions filed in this action, including supporting memoranda, upon the United States, as provided for in 31 U.S.C. § 3730(c)(3). The

United States may order any deposition transcripts and is entitled to intervene in this action, for good cause, at any time;

5. the parties shall serve all notices of appeal upon the United States;
6. all orders of this Court shall be sent to the United States; and that
7. should the relator or the defendant propose that this action be dismissed, settled, or otherwise discontinued, the Court will solicit the written consent of the United States before ruling or granting its approval.

IT IS SO ORDERED,

This _____ day of _____, 2022.

BY THE COURT:

HONORABLE WENDY BEETLESTONE
Judge, United States District Court

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES <i>ex. rel.</i>	:	
RUSS & MURPHY	:	
	:	
Plaintiffs,	:	
	:	
V.	:	CIVIL ACTION NO. 21-CV-4238
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Defendants.	:	

**THE GOVERNMENT'S NOTICE OF
ELECTION TO DECLINE INTERVENTION**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States notifies the Court of its decision not to intervene in this action.

Although the United States declines to intervene, we respectfully refer the Court to 31 U.S.C. § 3730(b)(1), which allows the relator to maintain the action in the name of the United States; providing, however, that the "action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting." *Id.* Therefore, the United States requests that, should either the relator or the defendant propose that this action be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the United States before ruling or granting its approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in this action be served upon the United States; the United States also requests that orders issued by the Court be sent to the Government's counsel. The United States reserves its right to order any deposition transcripts, to intervene in this action, for good cause at a later date, and to seek the dismissal of the relator's action or claim. The United States also requests that it be served with all notices of appeal.

Finally, the Government requests that the relator's Complaint, this Notice, and the attached proposed Order be unsealed. The United States requests that all other papers on file in this action remain under seal because in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

A proposed order accompanies this notice.

Respectfully submitted,

JACQUELINE C. ROMERO
United States Attorney

/s/ Charlene Keller Fuller for
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Dated: September 29, 2022

CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of this Notice of Declination of Intervention was sent by United States mail, postage prepaid, to the following counsel for Relator:

Michael T. McDonnell, III, Esq.
Kutak Rock LLP
1760 Market St., Suite 1100
Philadelphia, PA 19103

Dated: September 29, 2022

/s/Colin Cherico
COLIN M. CHERICO
Assistant United States Attorney